IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3611 OF 1996

Bhagwan Shankar Takle .. Petitioner
Vs.
Laxmibai Shankar Takle & Ors. .. Respondents.

Mr.P.J.Pawar for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 21ST FEBRUARY, 2005

P.C.:

. Heard Mr.Pawar, learned counsel for the petitioner.

2. This petition is directed against the order dated 21.12.1995 passed below 'Exhibit 1' in Miscellaneous Application No.116 of 1990. The suit was decreed on 30.9.1989 in which the petitioner-plaintiff was allotted 1/20th share in the suit properties. The petitioner filed an application under section 152 of the Code of Civil Procedure on 9.11.1990 contending that there was an arithmetical error in calculating his share which ought to have been 11/80th share. Apart from the fact that the present writ petition suffers from laches and gross delay, I find no error whatsoever

in the order impugned in the instant writ petition. From perusal of the material produced before me, by no stretch of imagination it could be said that the trial Court while decreeing the suit in 1989 had committed arithmetical error. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)